

STATE'S EXHIBIT NO. 1

CAUSE NO. 2012-DCR-1617

FILED 1040 O'CLOCK 91 M
 AURORA DE LA GARZA, CLERK
 SEP 14 2012
 DISTRICT COURT OF CAMERON COUNTY TEXAS
 [Signature]

THE STATE OF TEXAS § IN THE DISTRICT COURT OF
 VS. § CAMERON COUNTY, TEXAS
SCOTT WILLIAM HESS § 197TH JUDICIAL DISTRICT

WRITTEN WAIVER AND CONSENT TO STIPULATION OF
 TESTIMONY, WAIVER OF JURY, AND PLEA OF GUILTY

Defendant, after having had his Federal and State constitutional and statutory rights fully explained to him by his attorney of record in this case, as well as the procedural requirements, rights and safeguards afforded to him by laws of the State of Texas, including the privilege against self-incrimination, the right to appearance, confrontation, and cross-examination of witnesses to be used against him, and the right to trial by jury, deliberately and knowingly agrees and consents, together with his counsel, to waive the appearance, confrontation and cross-examination of witnesses against him in this cause and further waives the right of trial by jury, with the consent of the State, and asks that he be tried by the Court without a jury.

Defendant, in person and together with the counsel, waives all formalities of arraignment and reading of the indictment and voluntarily and freely pleads Guilty, as charged in the indictment in this cause.

Defendant, in person, together with his counsel, in pleading Guilty further states under oath in open court to the Court:

1. I have never been treated for any mental illness and no one has ever suggested that I should receive treatment for any mental illness; I believe myself to be mentally competent now and sane at the time of the commission of the offense;
2. No one has threatened me in any way, used any force of any kind upon me nor placed me in fear; and I am not pleading guilty because of fear;
3. No one has promised me anything to induce me to plead guilty; I am not pleading Guilty by reason of any persuasion; I plead guilty only because I am Guilty;
4. I am not pleading Guilty with any delusive hope of a pardon in my case; I have no hope of pardon;
5. If not a citizen of the United States of America I understand that a plea of guilty or nolo contendere for the offense charged may result in deportation, the exclusion from admission to this Country, or the denial of naturalization under federal law;
6. I understand that if I persist in pleading Guilty and the evidence shows I am guilty, the Court will have no alternative but to find me guilty;
7. I understand that if the Court finds me guilty, the Court must and will assess my punishment as that prescribed by law for the offense to which I here plead guilty;

8. I understand that the punishment prescribed for the offense to which I here plead guilty is:

COUNT Indecency - Exposure; TEXAS DEPARTMENT OF CRIMINAL JUSTICE INSTITUTIONAL DIVISION (TEXAS DEPARTMENT OF CORRECTIONS) for a term of years not less than 2 years nor more than 10 years, to which may be added a fine not to exceed \$10,000.00;

COUNT STATE JAIL FELONY; confinement of not less than 180 days, or more than 2 years, to which may be added a fine not to exceed \$10,000.00;

COUNT COUNTY JAIL; confinement of up to 2 months, to which may be added a fine not to exceed \$ 0.00;

9. If applicable, the Judge may impose any reasonable condition of community supervision beyond those conditions expressly stated in the plea agreement. The judge may also amend or modify the conditions of supervision at any time during the period of supervision;
10. If I am granted a deferred adjudication probation, on violation of a condition of probation imposed by the Court, I may be arrested and detained as provided in the Texas Code of Criminal Procedure. I am entitled to a hearing limited to the determination by the Court of whether it proceeds with an adjudication of guilt on the original charge. No appeal may be taken from this determination. After an adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of probation, and appeal continue as if the adjudication of guilt had not been deferred;
11. If my case is a State Jail Felony, I understand the period of confinement may be suspended and I may be placed under supervision of the Court for a period of not less than two (2) years or more than five (5) years. As a condition of supervision the Court may order that I be confined for up to ninety (90) days in the county jail or not less than ninety (90) days or more than one hundred eighty (180) days in a state jail;
12. I understand that the Prosecutor may or may not make a recommendation as to punishment, but I understand that the Court is not bound by such recommendation of the prosecuting attorney as to punishment;
13. I understand that if a punishment is being recommended by the prosecutor and agreed to by me and my attorney and the punishment assessed by the Court does not exceed that agreed punishment that I cannot, without the Court's permission, prosecute an appeal on any matter in this case except for those matters raised by written motions filed and ruled upon prior to the trial;
13. I affirm to the Court that there has been no plea agreement in this case except as follows:

Gold plea

And I understand that the Court is not bound to accept a plea bargain and if the Court rejects a plea bargain I may withdraw my plea of guilty; HOWEVER, IF the Court does accept my plea bargain, I EXPRESSLY waive all of my rights to appeal.

15. I went to the _____ grade in public school and can read, write and understand the English language;
16. I do not read, write or understand the English language and all of this instrument has been translated to me from English to Spanish by _____ and I believe I fully understand all of it;

In addition, the Defendant, in person, under oath, together with his attorney and the attorney representing the State of Texas, further agree, consent and stipulate in writing in open court to the following:

The State may introduce affidavits, written statements of witnesses and any other documentary evidence in support of any judgment that may be entered in this cause, which are marked Exhibits No. 1, through No. 2, inclusive, and made a part hereof; that such stipulated evidence is true and correct; that the Defendant, is the identical person referred to in the exhibits and stipulated evidence and if the witnesses were present, sworn and testifying under oath that they would testify as set out in their written statements and would identify the Defendant as the person of whom they speak in said exhibits and stipulations; that the Defendant is the identical person named in the charging instrument in the above styled and numbered cause; that each and every allegation in said charging instrument with the offense of:

COUNT 102: Indecency - Exposure (3rd degree)

COUNT _____:

COUNT _____:

COUNT _____:

(OFFENSE CODE IF LESSER INCLUDED OFFENSE: _____)

is true and correct and each act therein alleged occurred in Cameron County, Texas.

Scott M. Hess
Defendant

SWORN TO AND SUBSCRIBED TO BEFORE ME, the undersigned authority, on this the 14th day of September 2012.

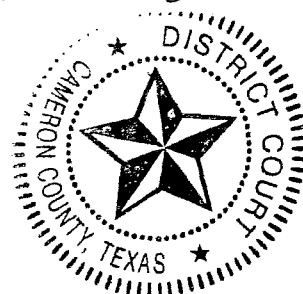
Clerk of the District Courts,
Cameron County, Texas

BY: [Signature]
Deputy

APPROVED AND AGREED:

[Signature]
Defendant's Attorney

[Signature]
Assistant District Attorney,
Cameron County, Texas




CERTIFICATE OF DEFENDANT'S ATTORNEY

The undersigned attorney of record for the Defendant in the above styled and numbered cause, being a duly licensed member of the State Bar of Texas in good standing, does hereby certify that I have fully explained to the Defendant his Federal and State constitutional and statutory rights as Defendant in this case, including his constitutional right to a trial by jury and to have the witnesses present, testify and to cross-examine them, as well as all the procedural requirements and rights afforded him by the State of Texas, and the Defendant understanding his said rights, has deliberately and knowingly waived such rights in this case.

I further certify that I have read to the Defendant and explained to the Defendant the foregoing waiver and consent to stipulation of testimony, together with the stipulations and exhibits attached and made a part thereof, and I believe and state to the Court that the Defendant understands such waiver, consent and stipulation, and has voluntarily and knowingly, entered into the same with my advice and consent.

The undersigned attorney further states to the Court in connection with the Defendant's plea of guilty that the undersigned has counseled and advised with the Defendant and that every statement above made by the Defendant is true and correct to the best of my knowledge and belief; and, in my opinion, the Defendant is now mentally competent and legally sane, was legally sane at the time of the offense charged, and is able to and does understand the nature and consequences of these proceedings and his plea of guilty.

I further certify that the defendant has been advised that if he/she is not a citizen of the United States that he/she may be subject to removal (deportation) from the United States, exclusion from admission to the United States, and/or denial of naturalization under federal law.



Attorney for the Defendant

APPROVAL OF TRIAL JUDGE:

The above and foregoing written waiver and consent to stipulation of testimony, waiver of jury and plea of guilty having been made under oath by the Defendant in person in open court and the Court having interrogated the Defendant in person in open court, as well as his counsel, and being satisfied that the Defendant has had his constitutional and legal rights explained to him and that the Defendant has the age, education and discretion to fully understand and does understand his constitutional rights with regard to the right of trial by jury, the appearance, confrontation and cross-examination of witnesses against him, and the privilege against self-incrimination and further understands the waiver and the stipulations and the contents thereof to which he has agreed, the said waiver and consent and stipulation of testimony is hereby approved by the Court, and ordered filed in the papers of this cause.

The Court, having considered the plea of guilty of the Defendant and it plainly appearing to the Court that the plea of the Defendant is free and voluntary and the Defendant is mentally competent; and the Court having duly admonished the Defendant of the range of punishment attached to the offense, that the recommendation of the prosecuting attorney as to punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by the Defendant and his attorney, the Court must give the Court's permission to the Defendant before he may prosecute an appeal on any matter in the case except for those matters raised by written motions filed and ruled upon prior to the trial; and the Defendant having persisted in pleading Guilty, accepts the Defendant's plea of Guilty and orders that such plea shall be entered upon the minutes of this Court.

Signed this the 14th day of Sept. ¹² 2011.

Migdalía Lopez
Judge Presiding